

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Black Rock Road, 4800' W
of Grace Road
(5109 Black Rock Road)
5th Election District
3rd Councilmanic District
Geneva H. Long
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-243-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owner of the subject property, Geneva H. Long. The Petitioner requests a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 21.4 feet at the tractor shed and 15.5 feet at the barn, in lieu of the maximum permitted 15 feet; and from Section 1A01.3.B.3 to permit a front dwelling setback of 57 feet from the centerline of the road in lieu of the required 75 feet, in order to legalize existing improvements as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of March, 1993 that the Petition for Administrative Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 21.4 feet for an existing tractor shed and 15.5 feet for an existing barn in lieu of the maximum permitted 15 feet; and from Section 1A01.3.B.3 of the B.C.Z.R. to permit a front dwelling setback of 57 feet from the centerline of the road in lieu of the required 75 feet, for existing improvements in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order. If, for whatever reason, this Order is reversed as a result of an appeal hearing, the petitioners would be required to file a new Petition.
- 2) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

March 4, 1993

(410) 887-4386

Ms. Geneva H. Long
5109 Black Rock Road
Hampstead, Maryland 21074

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Black Rock Road, 4800' W of Grace Road
(5109 Black Rock Road)
5th Election District - 3rd Councilmanic District
Geneva H. Long - Petitioner
Case No. 93-243-A

Dear Ms. Long:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

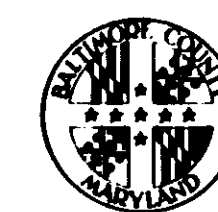
Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5109 Black Rock Road

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 to allow a height of 21.4 feet at the tractor shed and 15.5 feet at the barn, in lieu of the required 15 feet; 1A01.3.B.3 to allow a front dwelling setback of 57 feet to the centerline of the road in lieu of the required 75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) The tractor shed and barn buildings are existing and are in constant use as maintenance and storage facilities. The barn is used partially as a garage. Removal of either of these buildings would greatly reduce the value of the property and would destroy its overall country atmosphere.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Phone		Use any adjoining streets and/or other facilities of property that may be the legal owner(s) of the property and is the subject of this Petition.	
(Type or Print Name)		(Type or Print Name)	
Signature		Signature	
Address		Address	
City		City	
State		State	
Zip Code		Zip Code	
Phone No.		Phone No.	
Name		Name	
Address		Address	
City		City	
State		State	
Zip Code		Zip Code	
Phone No.		Phone No.	

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4th day of March, 1993, that the subject matter of this petition be set for a public hearing, individual, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: RT DATE: 1-25-93
ESTIMATED POSTING DATE: 2-14-93
ITEM #: 254

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 5109 Black Rock Road
Hampstead, MD 21074
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty.)

The tractor shed and barn buildings are existing and are in constant use as maintenance and storage facilities. The barn is used partially as a garage. Removal of either of these buildings would greatly reduce the value of the property and would destroy its overall country atmosphere.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Geneva H. Long
Geneva H. Long
STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 15th day of January, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Geneva H. Long

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

01/15/93

My Commission Expires: May 1, 1994

A. L. Snyder
A. L. Snyder
1911 Hammer Pike
Hampstead, Maryland 21074
(410) 239-7744
Description to Accompany Zoning Petition
#5109 Black Rock Road
January 4, 1993
(410) 374-9695

Beginning for the same on the south side of Black Rock Road (Maryland Rte 88) 4800 feet west of Grace Road and running thence,

- 1.) S 12° 23' 04" W 689.75 feet,
- 2.) N 57° 20' 19" W 246.25 feet,
- 3.) N 30° 13' 49" E 71.65 feet,
- 4.) N 5° 49' 56" E 634.77 feet,
- 5.) S 59° 04' 22" E 296.87 feet to the place of beginning.

Containing 3.81615 feet of land, more or less.

Being all that lot or parcel of ground which was conveyed by Willie C. Cole and Myrtle May Cole, his wife, to John E. Long and Geneva H. Long, his wife by deed dated March 15, 1963 and recorded among the Land Records of Baltimore County, Maryland in Liber R.R.G. 4118 folio 396 etc.

ITEM # 254

MEMBER Md Soc of Surveyors • W Va Assoc of Land Surveyors • ACSM •

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 5th
Posted for: Variance
Petitioner: Geneva H. Long
Location of property: 5109 Black Rock Rd., Hampstead, Md.
Location of Sign: East side of road, near property of Baltimore County
Remarks: None
Posted by: MSH
Number of Signs: 1
Date of Posting: 2/1/93
Date of return: 2/1/93



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-243-A

receipt

Date: 1/25/93
PUBLIC HEARING FEES
010 -ZONING VARIANCE (TRL) 1 X \$50.00
080 -POSTING SIGNS / ADVERTISING 1 X \$35.00
LAST NAME OF OWNER: LONG
TOTAL: \$85.00
Please Make Checks Payable To: Baltimore County
Cashier Validation
Baltimore County, Maryland
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130518
#254
DATE: 1/25/93 ACCOUNT: R-001-0150
AMOUNT: \$ 85.00
RECEIVED FROM: Geneva H. Long
FOR: Administrative Variance
04A04N0036M1CHRC \$85.00
VALIDATION OR SIGNATURE OF CASHIER

Ms. Geneva H. Long
5109 Black Rock Road
Hampstead, MD 21074

RE: Case No. 93-243-A, Item No. 254
Petitioner: Geneva H. Long
Petition for Administrative Variance

Dear Ms. Long:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January, 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 12, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 254, 256, 259, 263, 262, 267, 268, 261.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kenna*

PK/JL/lw

254.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: Feb. 18, 1993

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 8, 1993

There are no comments on item numbers 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267, and 268

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
FEB 18 1993
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Popple Road, Suite 901
Towson, MD 21206-5501

FEBRUARY 16, 1993

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GENEVA H. LONG

Location: #5109 BLACK ROCK ROAD

Item No.: #254 (IT) Zoning Agenda: FEBRUARY 8, 1993

Comments:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and require to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *Carol L. Kenna* (Planning Group) *Jeffrey M. Long* (Fire Prevention Bureau)
Special Inspection Division

JE/KFP

Geneva H. Long
5109 Black Rock Road
Hampstead, Maryland 21074

Re: CASE NUMBER: 93-243-A (Item 254)
S/S of Black Rock Road, 4800' N of Grace Road
5109 Black Rock Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Geneva H. Long

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

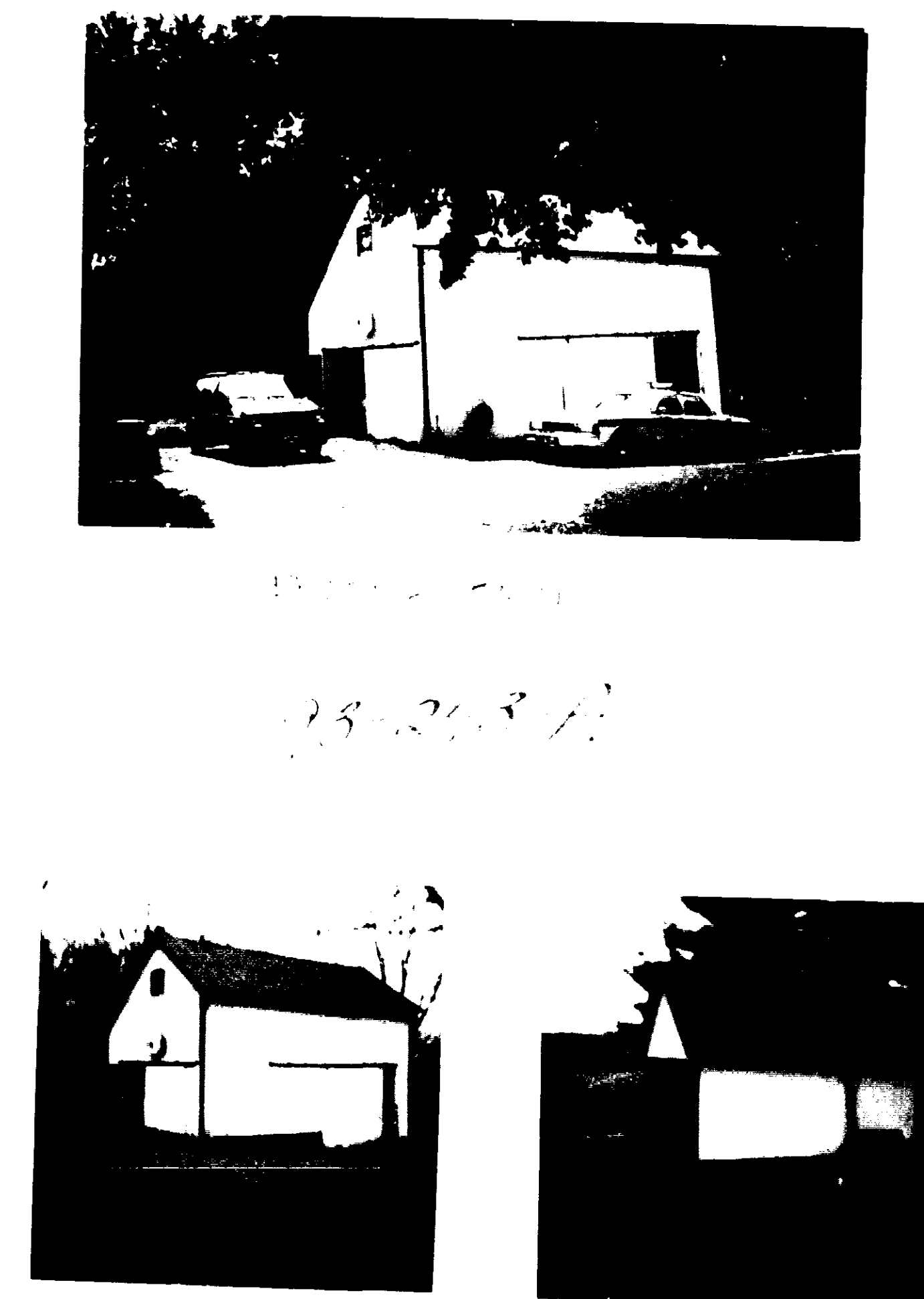
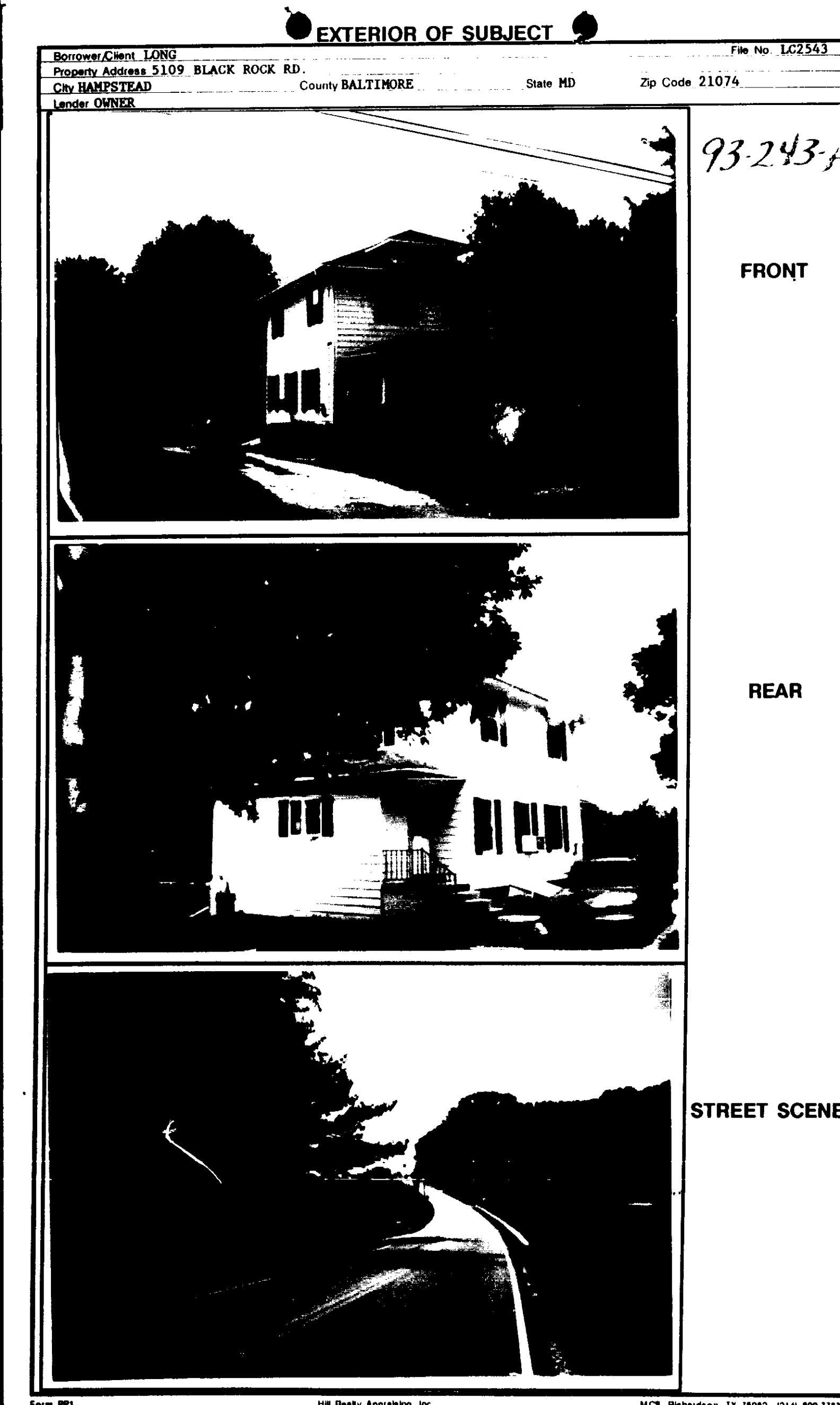
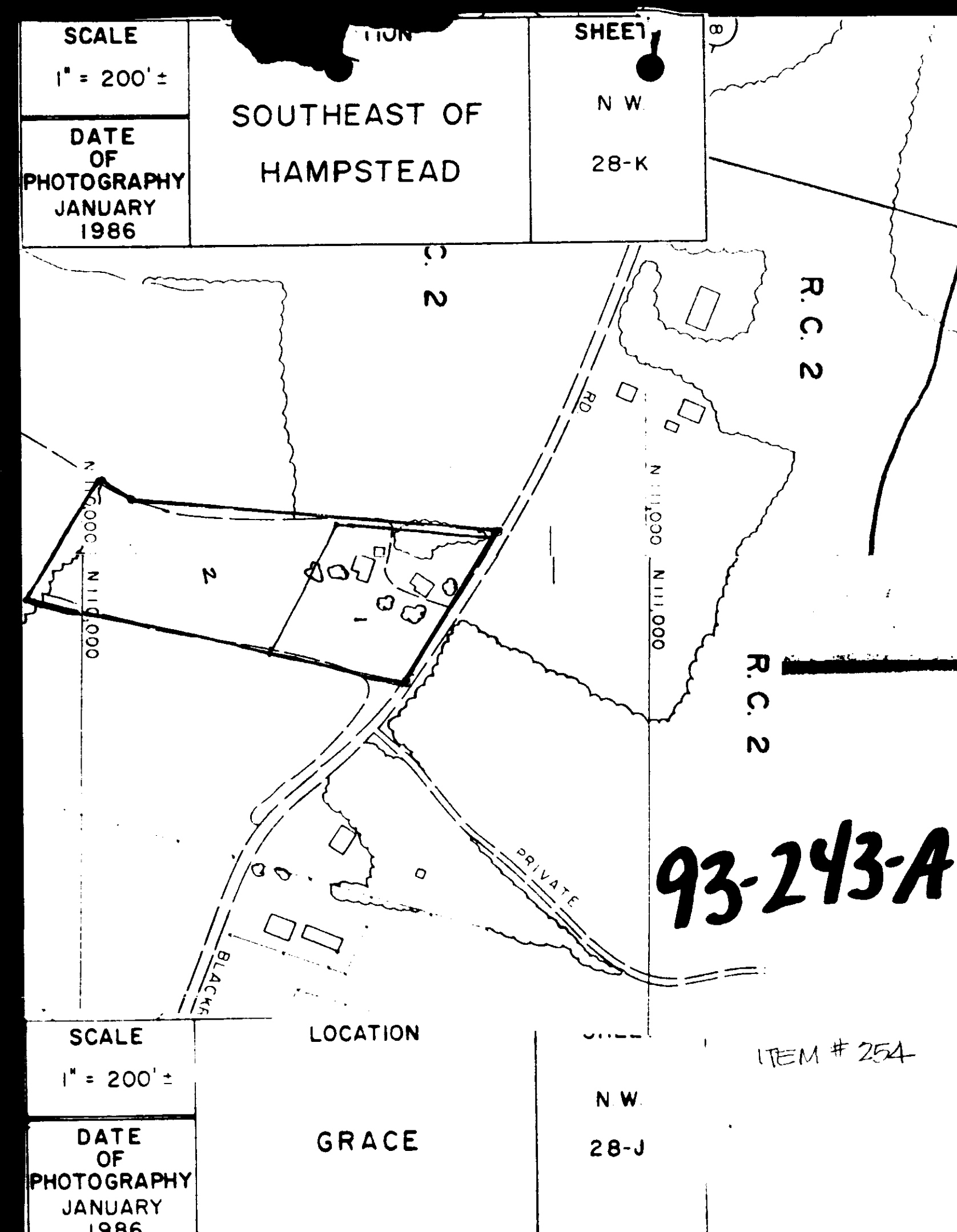
1) Your property will be posted on or before February 14, 1993. The closing date (March 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

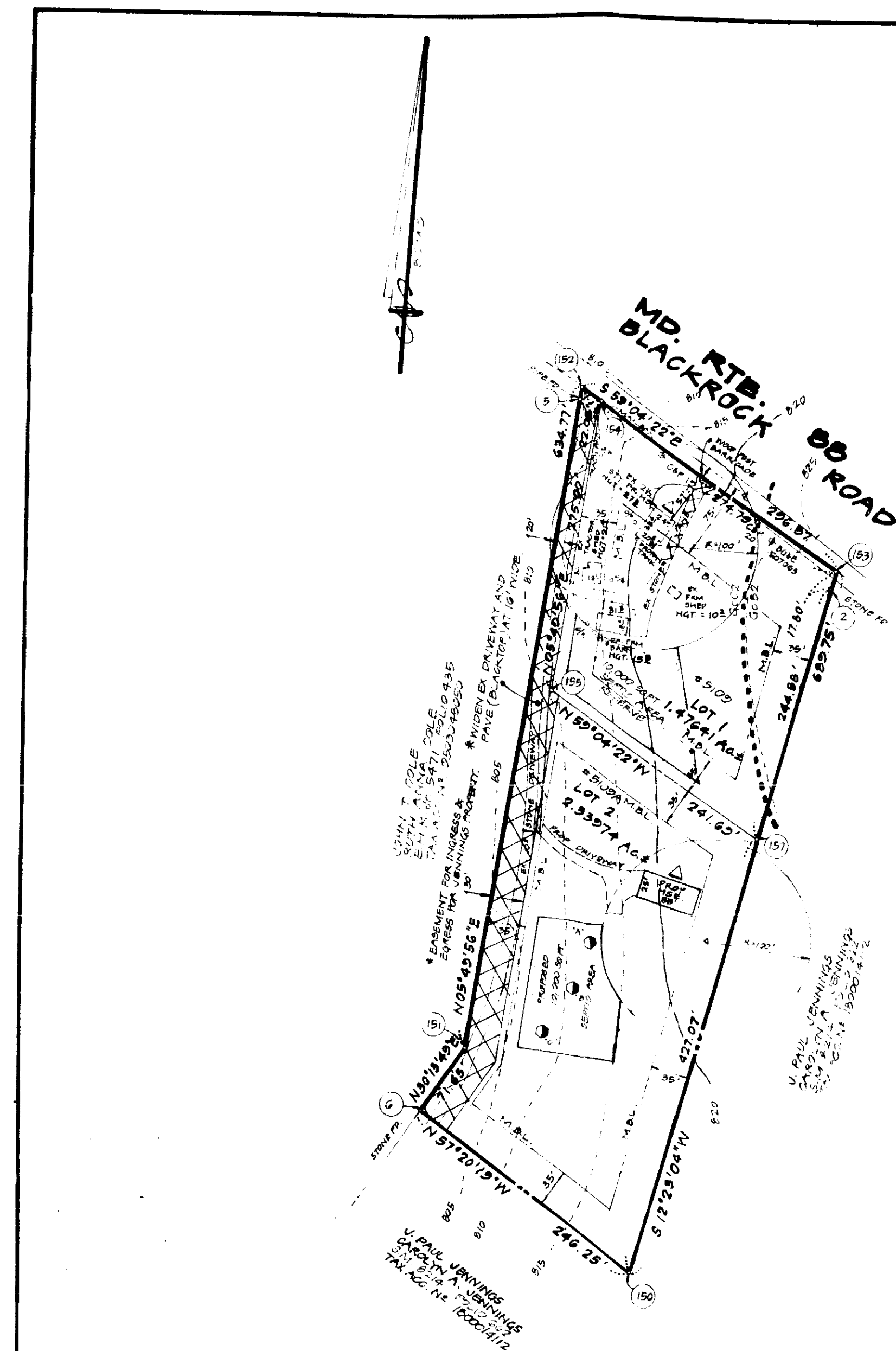
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

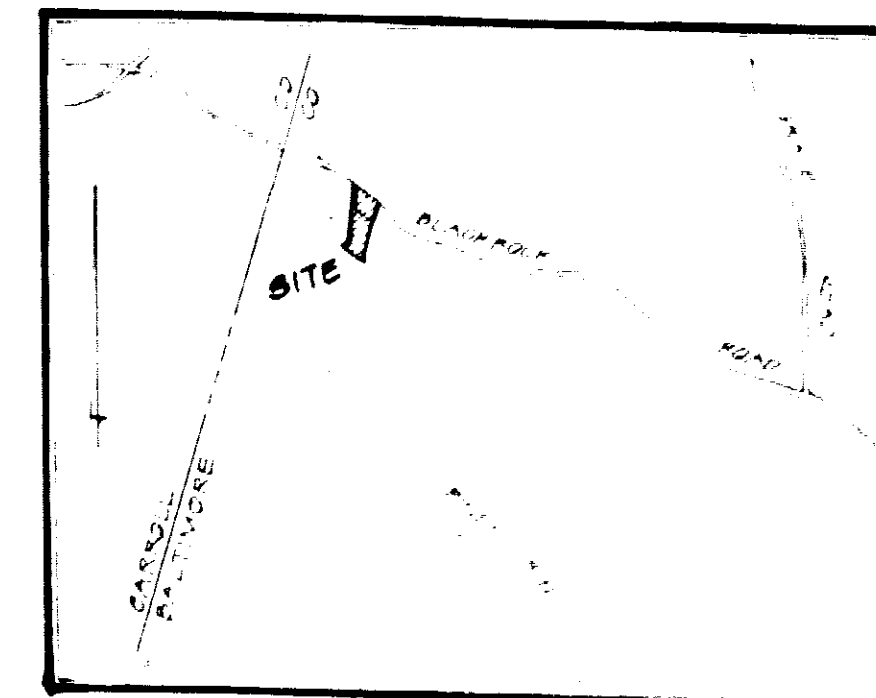
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon
Arnold Jablon
Director





* NOTE:
EXISTING DRIVE SHOWN HATCHED IS NOT TO HAVE
ACCESS TO BLACKROCK ROAD (MO RTE 88). PRO-
VIDE FOOT BARRICADE ACROSS DRIVE AT PROPERTY
LINE LOT 1 WILL UTILIZE A COMMON DRIVE,
ALONG THE WESTERNMOST PROPERTY LINE, WITH
LOT 2 TO ACCESS BLACKROCK ROAD.



GENERAL NOTES

1. CURRENT ZONING: PREFERENCE DISTRICT 1, 2, 3 & 4, SUB-POLY 336
2. CURRENT ZONING: RD 2.
3. SOLICIT: 7
4. NUMBER OF LOTS PERMITTED: 2
5. TOTAL AREA: 5.8161 AC. 1/4 ACRES OF LOTS PROPOSED: 2
6. DENSITY: 0.241 (2 ÷ 8.3161 AC.)
7. WATERED: 11/17/71, 1/24 AC. WATER MAIN ONLY. SLOPE W/SHED 11/4
8. TOPOGRAPHY SHOWN HEREON IS TAKEN PROBABLY OF TOPOSHEET 11/10/71
9. THERE ARE NO FUEL OR FLUORIDE TANKS LOCATED ON THE PROPERTY.
10. THERE ARE NO WELLS ON SETS WITHIN 100' OF THE PROPERTY LINES SHOWN HEREON.
11. THE PROPOSED DWELLING IS TO BE A SINGLE FAMILY RESIDENCE.
12. THE EXISTING DWELLINGS WILL REMAIN A SINGLE FAMILY RESIDENCE
13. REGIONAL PLANNING DISTRICT NO. 302
14. THIS PROPERTY SHOWN HEREON HAS BEEN USED INTACT BY THE OWNERS OF RECORD SINCE 1944 IS 1953.
15. THE LOT IS A 1/4 SECTION 15.
16. THE PROPERTY IS NOT IN ANOTHER ZONING DISTRICT OR POLY. 11/20

93-243-A

ITEM # 254 NW 28-J

SUBDIVISION PLAN AND PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE FOR

GENEVA H. LONG PROPERTY

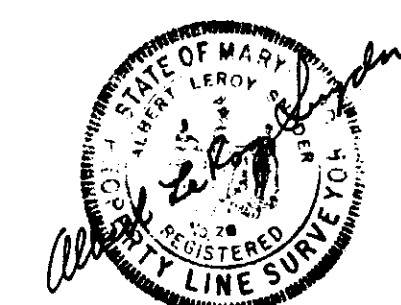
STATE LOTION DISTRICT DATE: MARCH 10, 1961

SCALE: 1"=100' DATE: SEPTEMBER 11, 1962

CORRELATING DISTRICT: 13 CENSUS TRACT: 4250

DWYER DEVELOPER

GENEVA H. LONG
5100 BLACKROCK RD..
HAMPSTEAD, MARYLAND 21074
TAX ACCT. NO 0512049000



✓ PREPARED BY:
A. L. SNYDER
SURVEYOR, INC.
1011 HANOVER PIKE
HAMPSTEAD, MD. 21074
(410) 239-7744

JOB NO. 92054

COORDINATES CHART : B.G.M.P. DATA					
NO	NORTH	WEST	NO	NORTH	WEST
2	110549.7873	59774.7572	153	110547.1131	59770.93
5	110709.3711	60026.6025	54	110708.3999	60006.65
6	110026.3617	60126.1799	155	110434.8233	60034.60
150	109999.4693	59218.8714	157	110319.6073	59827.27
51	110088.2683	60080.1056			
54	110119.7502	60025.6036			

APPROVED FOR BALTIMORE COUNTY DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DIRECTOR **DATE**

REVISION: JAN. 08, 1993 ADD NOTES
REVISION: NOV. 10, 1993 ADDRESSES & VISION

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP *93-243-A* ITEM # 254

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

GRACE

SHEET

N.W.

28-J